

**Minutes of a meeting of Planning Committee
held on Thursday, 10th November, 2022
from 4.00 - 6.15 pm**

Present: G Marsh (Chairman)
P Coote (Vice-Chair)

P Brown
R Cartwright
J Dabell

B Forbes
T Hussain
C Phillips

M Pulfer
D Sweatman

Absent: Councillors R Eggleston and R Webb

Also Present: Councillors R Clarke

1 TO RECEIVE APOLOGIES FOR ABSENCE.

Apologies were received from Councillors Eggleston and Webb.

2 TO RECEIVE DECLARATIONS OF INTEREST FROM MEMBERS IN RESPECT OF ANY MATTER ON THE AGENDA.

In relation to Item 5. DM/22/1371 – Land Parcel North of 99 Franklands Village, Haywards Heath, West Sussex, RH16 3UZ, Councillor Pulfer declared that he was pre-determined as he had raised objections to the application, and he would therefore speak as a Ward Member for Haywards Heath – Franklands and would not take part in the debate or vote on the application.

In relation to Item 5. DM/22/1371 – Land Parcel North of 99 Franklands Village, Haywards Heath, West Sussex, RH16 3UZ the Chairman, Vice Chairman and Councillor Sweatman all declared a non-predetermined interest as they sat on the Planning Committee which approved a similar scheme on the same site in December 2018. The Councillors confirmed they did not have a prejudicial interest and would be looking at the application afresh.

3 TO CONFIRM THE MINUTES OF THE MEETING OF THE COMMITTEE HELD ON 13 OCTOBER 2022.

The minutes of the meeting of the Planning Committee held on the 13 October 2022 were agreed as a correct record and signed by the Chairman.

4 TO CONSIDER ANY ITEMS THAT THE CHAIRMAN AGREES TO TAKE AS URGENT BUSINESS.

The Chairman had no urgent business.

5 DM/22/1371 - LAND PARCEL NORTH OF 99 FRANKLANDS VILLAGE, HAYWARDS HEATH, WEST SUSSEX, RH16 3UZ.

Steve King, Planning Team Leader, introduced the application which sought planning permission for a residential development of 24 x 2 bed flats on land to the north of 99 Franklands Village, Haywards Heath. Together with 24 car parking spaces, cycle and refuse stores separate to the block at the front of the building. The Planning Team Leader confirmed Members had received the Agenda Update Sheet and drew Members attention to the relevant updates in the report. He reminded Members there was extensive planning history on the site and surrounding land which was relevant to this current application as the previous application had been approved. He highlighted that there was not a great deal of difference between the previous application and the current one. He noted that a payment of £47,769 would be made for the provision of affordable housing on a separate site as it was not deemed to be viable to provide 30% affordable accommodation on the site.

Stefano Hawkins, local resident, spoke against the application.

Alex Beck, local resident, spoke against the application.

Daniel Frisby, Planning Consultant, spoke in support of the application.

Councillor Clarke, Ward Member for Franklands, spoke in support of refusing the application. He expressed concerns regarding the increase in light pollution, inadequate provision for local wildlife, access to the site and lack of provision of parking. He considered the sum of £47,769 in lieu of the provision of onsite affordable housing to be low.

Councillor Pulfer, Ward Member for Franklands, spoke against the application.

Councillor Pulfer removed himself from the meeting at 4.51pm.

In response to Councillor Clarkes concerns the Chairman asked the Planning Team Leader to respond. The Planning Team Leader confirmed there was a planning condition in place for the light pollution, clarifying this was for external not internal lighting. He confirmed that the Councils Ecological Consultant had reviewed the application and was content. He advised that the Ecological Consultant had recommended planning conditions to mitigate against any ecological concerns. Regarding access during the construction phase, the Planning Team Leader noted it would require careful planning requiring further details to be submitted to discharge the planning condition related to the Construction Management Plan. This would need to be submitted by the applicant and be approved by the Local Planning Authority prior to the commencement of the development. Regarding the provision of car parking, he advised that where there are schemes proposing lower levels of car parking provision this does not automatically deem the development unacceptable. He advised that where car parking is below the Councils standards, an assessment has to be made as to whether that results in any planning harm. In this case the Highway Authority did not object to the application and did not therefore consider that there was a highway safety issue arising from the level of car parking that was proposed.

The Chairman noted Cllr Clarkes concerns regarding the construction management phase and current access to the site which is via a one way system. The Planning Team Leader advised the developer would be aware of the issues regarding accessing the site during the construction phase and would need to address this in

the Construction management Plan. The Planning Team Leader noted that the flats opposite the site had been constructed relatively recently and this was served by the same access road as this planning application. He advised that in his view the current access to the site was not a reason to refuse the application.

Members discussed in detail the current lack of parking and future lack of parking on proposed developments. One Member expressed concern that lack of parking would cause anti-social behaviour among residents. Another Member noted that developers need to take into consideration finding a solution for the increase in the number of cars in relation to the lack of parking when developing and designing future sites. A Member noted the Committee are duty bound to take into consideration the concerns of the residents regarding parking issues and that the Highways Authority need to be more involved.

In response to a Member asking for clarity regarding parking as a material consideration the Planning Team Leader confirmed it was. He confirmed that the proposed level of car parking, whether this was appropriate and how it was laid out and designed were all material planning considerations for the Committee to take into account. The Planning Team Leader also confirmed that the planning history of the site, including the fact that a very similar proposal on the same site was resolved to be approved by the Planning Committee in December 2018 was also a material planning consideration that the Planning Committee should take into account. The Chairman also confirmed that when the previous application on the same site was granted permission, the Committee were aware of the application on the adjacent site at Woodside, in response to a Member.

The Chairman advised that a Member had requested the S106 monies be invested in the surrounding county park. The Planning Team Leader confirmed the solicitor dealing with the application had been made aware of this and he had no issue with the local community infrastructure monies being allocated to this project.

Finally, a Member asked what the threshold was for providing social housing. The Chairman confirmed there is a review mechanism in place in the legal agreement for this development which would come into effect upon the sale or let of the 18th unit. This would ascertain whether there was any surplus generated that could go towards the provision of offsite affordable housing.

The Chairman noted that no further Members wished to speak and took Members to vote on the recommendations, proposed by the Vice Chairman, Councillor Coote and seconded by Councillor Sweatman, which were approved with 8 in favour and 1 against.

Councillor Pulfer returned to the meeting at 5.33pm.

RESOLVED

Recommendation A

It is recommended that planning permission is approved subject to the completion of a satisfactory S106 Legal Agreement to secure infrastructure and affordable housing contributions and the conditions set in Appendix A.

Recommendation B

It is recommended that if the applicants have not submitted a satisfactory signed planning obligation securing the necessary infrastructure payments and affordable housing by the 3rd February 2023, then it is recommended that permission be refused at the discretion of the Assistant Director for Planning and Sustainable Economy for the following reason:

1. 'The application fails to comply with policies DP20 and DP31 of the Mid Sussex District Plan in respect of the infrastructure and affordable housing required to serve the development.'

6 DM/22/2241 - 53 WASHINGTON ROAD, HAYWARDS HEATH, WEST SUSSEX, RH16 3HL.

Kathrine Williams, Planning Officer, introduced the report which sought planning permission for the erection of a suspended timber decking area along the rear elevation of the existing rear extension, with access by a new door and window unit, replacing the existing window unit and an increase in the front hardstanding to the front of the property. The Planning Officer confirmed that Committee Members had received the Agenda Update Sheet and noted the updates. She drew Members attention to pages 80 and 81 of the report which addressed the impact of the existing extension and additional decking on the neighbouring property at 55 Washington Road.

Nick Cooney, neighbour, spoke against the application.

The Chairman for the benefit of the Committee asked officers for clarity regarding Mr Cooney's reference to a judicial review should the application be approved which stated, 'I hope the Committee agrees that the current plan would cause me significant harm, as I'm confident a court would in a judicial review'. Steven King, Planning Team Leader confirmed any interested party could seek a judicial review of a planning decision made by the Council. He advised that an application for a judicial review had to be made within 6 weeks of the decision on the planning application. He advised that the Court would only consider the process and legality of how the decision had been made. For example, whether the correct procedural process had been followed in determining an application, or whether the correct policies had been addressed in the determination of the application. He advised that the Courts do not intervene on matters relating the planning merits of the decision unless a decision had been made that was so irrational that no rational person could have made it.

Regarding the summary for representation, the Chairman asked officers to clarify the outcome following the representation. The Planning officer confirmed that following the representation, the proposed decking was amended to include screening along the eastern side of the neighbour and the application was readvertised.

Members discussed the application in detail, in particular the visibility of the fence on the decking to the neighbouring property. Given the circumstances of the application Members had no issue with the application being approved. However, some Members sympathised with both parties concerned and asked whether there was scope to review the height of the fencing for both parties to reach a mutual decision. Members discussed the possibility of deferring the application in view of this. The Chairman advised that if planning permission was approved on the existing application, the applicant has permission to build up to the height presented in the report. The Planning Team Leader reminded the Committee they must only consider

the application in front of them and whether they wish to approve or refuse it. The Planning Team Leader made it clear that in relation to the impact of the proposal on neighbouring amenity, if Members thought the impact of the development on the amenities of the neighbour was acceptable then they should approve the application but if they felt that impact was unacceptable, then they should vote to refuse the application. He made it clear that if the Committee approved the application that was before them, the applicants would be entitled to construct the development as shown on the approved plans.

The Chairman advised he did not like to defer applications and the Committee had a duty to consider the application before them. However, he would be guided by the Members. He noted no further Members wished to speak and took Members to the recommendation, proposed by Councillor Sweatman and seconded by the Vice Chairman, Councillor Coote, which was approved with 7 in favour and 3 against.

RESOLVED

That planning permission be approved subject to the conditions outlined at Appendix A.

7 DM/22/1307 - LAND REAR OF 67 SUNTE AVENUE, LINDFIELD, HAYWARDS HEATH, WEST SUSSEX, RH16 2AB.

Joseph Swift, Senior Planning Officer, started by reading out the Lindfield Parish Council's full comments as they had not been included within the report, he then introduced the report which sought planning permission for a proposed pair of 4 bed semi detached dwellings at the land rear of 67 Sunte Avenue, Lindfield, with parking to the front and a private garden at the rear. He highlighted the proposal would use the existing access between 65 and 67 Sunte Avenue and the site is a brownfield site within the built-up area boundary, currently used as a builders yard/storage area and due to the spacing surrounding the building and the relationship with neighbouring dwellings it would not be an overdevelopment of the site. He noted there had been a previous application for Chalet bungalows on the site which had been approved and is the same height as currently proposed.

Zak Moallim, Solicitor, read out a representation on behalf of Kitty Gilliver, a local resident who spoke in objection of the application.

The Chairman and Members discussed the application, emphasising it was a brownfield site and the height of the proposed properties would be consistent with the existing properties.

A Member asked if a response had been supplied to the Water and Access Managers comments regarding providing sufficient turning facilities for a fire appliance and whether refuse access had also been considered.

The Senior Planning Officer replied that fire appliance access would be the responsibility of Building Control. He confirmed that refuse access would be provided for at the front of the properties allowing for easy access for refuse collection.

The Chairman noted no further Members wished to speak and took Members to the recommendation, proposed by Councillor Sweatman and seconded by the Vice Chairman, Councillor Coote, which was approved unanimously with 10 in favour.

RESOLVED

That planning permission be approved subject to the conditions set out in Appendix A.

8 QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10.2 DUE NOTICE OF WHICH HAS BEEN GIVEN.

None.

The meeting finished at 6.15 pm

Chairman